

## 40 CFR Part 52

[A-5-FRL 17 11-1]

**Approval of Michigan Sulfur Dioxide State; Implementation Plan for Consumer Power Company's J. H. Campbell Plant**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** On November 19, 1979 (44 FR 66214), USEPA proposed approval of a revision to the Michigan State Implementation Plan (SIP). The revision in the form of a Final Order, extends from January 1, 1980 until January 1, 1985 the date by which the Consumers Power Company is required to bring sulfur dioxide (SO<sub>2</sub>) emissions from coal-fired boilers at its J. H. Campbell Plant into compliance with SO<sub>2</sub> regulations in the federally approved Michigan SIP. The State of Michigan submitted an amendment to the Order on February 14, 1980, and USEPA proposed approval of the revised Final Order in a supplemental notice of proposed rulemaking on April 22, 1980 (45 FR 26983). Interested persons were invited to comment on the proposed revision and on USEPA's proposed rulemaking. One public comment was received. The purpose of this notice is to discuss the comments received and to announce USEPA's final rulemaking action to approve this revision to the Michigan SIP.

**EFFECTIVE DATE:** This final rulemaking becomes effective January 23, 1981.

**ADDRESSES:** Copies of the SIP revision, public comment on the Notice of Proposed Rulemaking (44 FR 76311), and USEPA's evaluation and response to comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:**

Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6038.

**SUPPLEMENTARY INFORMATION:** On June 26, 1979, the Michigan Department of Natural Resources, Air Quality Division,

submitted as a proposed revision to the Michigan SIP a Final Order issued by the Michigan Air Pollution Control Commission (Commission). The Order extends the compliance date from January 1, 1980 until January 1, 1985 for the Consumers Power Company's J. H. Campbell Plant to meet the sulfur dioxide (SO<sub>2</sub>) emission limitations in Rule 336.49 (revised Rule 336.1401 effective January 17, 1980) of the Commission's Rules and Regulations.

On November 19, 1979 (44 FR 66214), USEPA proposed approval of the Order as a revision to the Michigan SIP. On February 14, 1980, the State of Michigan submitted an amendment to the Order. USEPA proposed approval of the Order as amended in a supplemental notice of proposed rulemaking on April 22, 1979 (45 FR 26983). Interested persons were invited to comment on the proposed revision and on USEPA's proposed rulemaking. One public interest group submitted comments. This notice discusses USEPA's review of the Order and comments received and announces USEPA's final approval of the revision to the Michigan SIP.

The Consumers Power Company's J. H. Campbell plant is located in Port Sheldon Township, Ottawa County, Michigan, approximately one kilometer east of Lake Michigan. Ottawa County, is located in Air Quality Control Region 122, which was designated as an attainment area for SO<sub>2</sub> in the October 5, 1978 Federal Register (43 FR 45993). No exceedances of the SO<sub>2</sub> NAAQS occurred in 1978. The air quality modeling analysis submitted by the Consumers Power Company relied upon nonreference methodology. Consequently, USEPA performed an air quality modeling analysis to assure that approval of the variance for J. H. Campbell will not cause or contribute to a violation of the SO<sub>2</sub> NAAQS or PSD increments. USEPA used CRSTER, the reference rural, single source Gaussian dispersion model, with five years of representative meteorological data (1973-1977). Based on its detailed analysis employing reference methodology, USEPA concluded that the proposed SO<sub>2</sub> SIP revision for J. H. Campbell will not cause or contribute to a violation of the SO<sub>2</sub> NAAQS or PSD increments.

Under the Order the Company must comply with the following program for control of SO<sub>2</sub> emissions from the J. H. Campbell plant:

(1) Beginning on January 1, 1980 and continuing to January 1, 1985 fuel burned at the Campbell Plant shall not:

(a) On an annual average exceed 3.05 percent sulfur content by weight at 12,000 Btu/pound of coal.

(b) Result in sulfur dioxide emissions greater than 414 tons on any calendar day. This emission limitation is the equivalent of burning coal which averages 3.6 percent sulfur content by weight at 12,000 Btu/pound of coal and 650 megawatts net load for 24 hours.

(c) On a daily average result in emissions of sulfur dioxide greater than a rate of 6.6 pounds per million Btu heat input.

(2) After January 1, 1985, emissions of sulfur dioxide from the Campbell plant shall not exceed the levels prescribed in Tables and 3 and 4 of Rule 336.49 (Tables 41 and 42 of revised Rule 336.1401) unless an alternate date for compliance with the levels is established by the Commission.

One public interest group submitted a comment on the proposed revision.

**COMMENT:** Michigan Rule 336.49(b) (revised rule 336.1401(6)) does not allow a source to emit SO<sub>2</sub> at an average rate for any calendar month greater than was emitted by that fuel burning equipment for the corresponding calendar month of the year 1970, unless otherwise authorized by the Commission. The Order does not contain provisions that waive the requirements of Michigan Rule 336.49(6) (revised Rule 336.1401(6)).

**USEPA RESPONSE:** Although the Order does not expressly state that it acts as a revision to Rule 336.49(6) (revised Rule 336.1401(6)), the Order does specify interim limitations which exceed the Company's 1970 emissions. Therefore, USEPA believes that this indicates the Commission's intent to remove the source from applicability of Rule 336.49(6).

**USEPA's Final Determination:** USEPA approves the extension from January 1, 1980 until January 1, 1985 for the Consumers Power Company's J. H. Campbell Plant to meet the SO<sub>2</sub> emission limitations in Rule 336.49 (revised Rule 336.1401) of the federally approved Michigan SIP. The State has indicated that it is relying on continuous emission monitoring and fuel analysis to determine the Company's compliance with the Order. This is acceptable to USEPA. If an alternate date for compliance is established with the Commission, the State must submit the new Order to USEPA as a revision to the Michigan SIP.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice

may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**Note.**—Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized". I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 110 of the Clean Air Act, as amended)

**Note.**—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1980.

Dated: December 18, 1980.

Douglas Costle,  
Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is revised by adding paragraph 30 to read as follows:

**§ 52.1120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
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(30) On July 26, 1979, the State of Michigan Submitted to USEPA a revision to Rule 336.49 for the Consumers Power Company's J. H. Campbell Plant. The revision is a Final Order (No. 05-1979) extending the compliance date until January 1, 1985 for the Campbell Plant to meet the sulfur dioxide emission limitations in Rule 336.49. On February 14, 1980, the State of Michigan submitted to USEPA an amendment to Order No. 05-1979.

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**A-7-FRL 1711-6]**

**Approval and Promulgation of Implementation Plans: State of Missouri**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On

September 5, 1980, the State submitted documentation that one of these conditions has been fulfilled. This condition involves a requirement that one of the Missouri regulations governing the emission of volatile organic compounds (VOC) be changed to reflect RACT. On October 10, 1980 a Notice of Receipt of this material was published in the Federal Register.

The purpose of this notice is to advise the public that EPA is taking final action to approve the state's submission and is incorporating it into the approved SIP. The applicable condition is being revoked. Until all conditions are met, conditional approval of the SIP will continue.

**EFFECTIVE DATE:** This promulgation is effective January 23, 1981.

**ADDRESSES:** Copies of the state submission and the EPA prepared plan evaluation document are available for inspection during normal business hours at the following locations: EPA, Air Support Branch, 324 East 11th Street, Kansas City, Missouri 64108; EPA Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101. A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Wayne G. Leidwanger at 816-374-3791 (FTS 758-3791).

**SUPPLEMENTARY INFORMATION:** On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of the action can be found in the Federal Register notice published on that date (45 FR 24140). Today's notice discusses one of the conditions promulgated by EPA.

Missouri Rule 10 CSR 10-2.260, Control of Petroleum Liquid Storage, Loading and Transfer, was conditionally approved as part of the Part D plan revision for the Kansas City ozone nonattainment area. EPA review of this regulation was based on the information contained in the Control Technique Guidelines (CTGs). The CTGs provide information on available air pollution control techniques and recommendations of what EPA calls the "presumptive norm" for reasonably available control technology (RACT). Further discussion of the RACT requirements can be found in the April 9 Federal Register notice.

In reviewing Rule 10 CSR 10-2.260, EPA noted two minor deficiencies.

Section 2 of the rule requires floating roof tanks for liquids having a vapor pressure of 1.8 psia at 70 degrees Fahrenheit. The CTG recommends 1.5 psia at storage conditions. Section 3 of the Missouri rule requires controls to limit emissions of volatile organic compounds during gasoline loading at terminals to 0.5 gram per gallon of gasoline loaded. The CTG recommends 0.3 gram per gallon of gasoline loaded. The State agreed to revise the regulation to agree with the CTG recommendation. On April 9, 1980, EPA conditionally approved the rule provided that the state submits a revision to the regulation which contains limits that agree with the CTG recommendations or submits enforceable compliance orders which assure that the CTG recommended limits are met. This revision is required by February 1, 1981.

On September 5, 1980, the state submitted revisions to Rule 10 CSR 10-2.260 for the purpose of meeting the condition. The state revised the vapor pressure specification to 1.5 psia at 70° F and the limit on gasoline loading to 0.3 gram per gallon of gasoline loaded. EPA issued a notice of receipt of this submission on October 10, 1980 (45 FR 67344). Although the state changed the vapor pressure specification to 1.5 psia at 70° F instead of 1.5 psia at storage conditions, the state has provided a list of petroleum products stored in the Kansas City area which demonstrates that those products which would be governed by the CTG recommendation will also be covered by the Missouri regulation.

Based on its review of the submitted documents, EPA finds that the condition on its approval has been fully met. Therefore, EPA is incorporating the regulatory changes into the SIP and is revoking the applicable condition. Furthermore, this action serves to continue EPA's conditional approval until all conditions have been met.

In this submission Missouri also submitted changes to this rule for the purpose of complying with the additional RACT regulations which were due July 1, 1980 (for CTGs published between January 1978 and January 1979). EPA is not acting on these changes but only on the changes submitted to comply with EPA's conditional approval of Rule 10 CSR 10-2.260 promulgated on April 9, 1980. Proposed action on the additional RACT regulations will be published in the Federal Register at a later date.

EPA finds that further notice and comment on this issue are unnecessary. The corrective action was clearly identified in EPA's promulgation and the